EXHIBIT 1

United States Court of Appeals

FIFTH CIRCUIT
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September 23, 2022

Ms. Anna Marks Baldwin
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Mr. Scott Stewart Mississippi Attorney General's Office 550 High Street P.O. Box 220 Suite 1100 Jackson, MS 39205

No. 21-60772 USA v. State of Mississippi USDC No. 3:16-CV-622

Dear Counsel,

The court requests the parties to address at oral argument whether the United States can sue the State directly under ADA Title II and/or whether the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997a, allows the United States to enforce any rights, privileges, or immunities arguably secured or protected by Title II. See United States v. Florida, 938 F.3d 1221 (11th Cir. 2019); United States v. Sec'y Fla. Agency for Health Care Admin., 21 F.4th 730 11th Cir. 2021) (en banc); see also Alexander v. Sandoval, 532 U.S. 275, 286, 121 S.Ct. 1511, 1519 (2001).

The court also requests the parties to address whether a defendant can waive arguments that a cause of action does not exist.

Sincerely,

LYLE W. CAYCE, Clerk

Jim M. Polland

By:
Kim M. Pollard, Deputy Clerk
504-310-7635